

SUBSTITUTE NO. 1 TO ORDINANCE NO. 13-044

**AN ORDINANCE TO AMEND CHAPTER 35 OF THE CITY CODE
REGARDING THE CIVIL RIGHTS COMMISSION.**

**Rev.#1
#3887**

Sponsor:

**Council
Member
D. Brown**

WHEREAS, Wilmington City Council ("Council"), acting pursuant to the General Home Rule Powers of the City of Wilmington (the "City") and Section 1-102 of the City Charter, enacted Chapter 35 of the Wilmington City Code (the "Code") relating to the Civil Rights Commission; and

WHEREAS, the Civil Rights Commission was created during the height of the Civil Rights Movement in the United States of America to foster and further the principles of equality and fairness for all people regardless of the color of their skin or what they look like, their gender, creed, etc., by addressing concerns relating to equal treatment of all citizens in the City of Wilmington; and

WHEREAS, in furtherance of the principles of equal treatment and fairness for all, the Civil Rights Commission historically has served to represent the many diverse peoples and groups in the City, without regard to sexual orientation, race, age, religion or physical disability; and

WHEREAS, the Civil Rights Commission is tasked with addressing issues of allegedly discriminatory treatment resulting from the delivery or provision of City government services or the implementation or effect of City policies; and

WHEREAS, from time to time and in furtherance of the above, the Civil Rights Commission has the power to report to and make recommendations to the Mayor and City Council pertaining to allegations of discriminatory treatment of individuals; and

WHEREAS, unfortunately in recent years the Civil Rights Commission, which once

was a shining and lively commission, full of life and vibrancy, has become dysfunctional and non-operational; and

WHEREAS, by streamlining the Civil Rights Commission, and by choosing vibrant, motivational leaders, new life and vigor can be breathed back into the Civil Rights Commission, with the goal of returning the Civil Rights Commission to a highly productive and respected commission once again, much like it was in its hay days during the Civil Rights Movement; and

WHEREAS, City Council, in an effort to maintain and further the City's principles of equality and fair treatment for all, deems it necessary and proper to amend certain provisions of the Code relating to the Civil Rights Commission.

**NOW, THEREFORE, COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Wilmington City Code Sections 35-37 through 35-46 relating to the Civil Rights Commission are hereby amended by adding the underlined language and deleting the language with strike throughs as follows:

Sec. 35-37. - Composition, qualifications.

The Ceivil Rrights Ceommission shall be composed of 7+9 residents of the city who shall be representative of the many ethnic groups in the city and men and women, without regard to sexual orientation, race, age, religion, gender, or physical or mental disability, marital status, color, national origin, or economic or family status (including source of income);. Five (5) of the members of the Commission shall be appointed by the mayor. The remaining two (2)four of the members of the Ceommission shall be members of city council who shall be designatedappointed by the president of city council, as members of the civil rights commission, The proposed members of the Commission shall be subject to confirmation by resolution of city council, approved by a majority of all members of the city council.

Sec. 35-38. - Appointment, terms.

The five (5) members of the Ceivil Rrights Ceommission ~~shall be appointed~~ by the mayor shall and serve at the pleasure of the mayor. The remaining two (2) members of the Civil Rights Commission appointed by the president shall serve at the pleasure of the president.

Sec. 35-39. - General authority.

The Ceivil Rrights Ceommission shall be authorized to address issues of allegedly discriminatory treatment resulting from the delivery or provision of city government services or the implementation or effect of city policies.

Sec. 35-40. - Reports, recommendations.

From time to time, the Ceivil Rrights Ceommission may report to and make recommendations to the mayor and the city council regarding issues which have been brought to the Commission ~~it's~~ attention which involve alleged instances of discriminatory treatment of individuals or groups of individuals.

Sec. 35-41. - Minority affairs task force.

Choosing from the five members appointed by the mayor to the Civil Rights Commission, ~~The~~ mayor shall designate five-three ~~of the members of the civil rights eommission,~~ who shall themselves be minority group members as defined in section 35-162, to serve with the two members appointed by the president to of the Commission city council who are also minority group members and who shall be designated by resolution of city council ~~resolution,~~ as the minority affairs task force of the Ceommission and perform the functions and duties deemed necessary by the Ceommission in a manner consistent with the provisions of this article.

Sec. 35-42. - Access to information.

The Ceivil Rrights Ceommission shall have access to such information as is necessary to carry out its duties as provided by law. Only such information as is protected by federal, state or local law may be withheld from the Ceommission.

Sec. 35-43. - Review of EEO reports.

The Ceivil Rrights Ceommission shall conduct a regular review of Equal Employment Opportunity (EEO) reports to monitor compliance with such requirements through the affirmative action plans and policies for city government.

Sec. 35-44. - Minority business programs.

The Ceivil Rights Commission shall review on an as needed basis allegations regarding discriminatory treatment of individuals or groups in the delivery or provision of city services or in the operation or effect of city programs and elicit citizens' comments as to the impact of such programs ~~upon~~ various communities, particularly the minority community and particularly regarding minority business programs, city goals for contract set asides, and the relationship of and communications between city government and minority citizens.

Sec. 35-45. - ~~Anticipatory~~ Authority.

The Ceivil Rights Commission shall be ~~authorized~~ strongly encouraged to coordinate with community organizations and with organizations, such as the National Conference of Christians and Jews, the American Civil Liberties Union, and the National Association for the Advancement of Colored People ("NAACP"). If the Civil Rights Commission is in the receipt of relevant information regarding situations brought to its attention which involve circumstances which, in the Commission's judgment, could lead to acts of violence against members of any minority group or other group allegedly receiving discriminatory treatment, ~~the~~ The Commission may attempt to alleviate the conditions or circumstances involved in such situations; provided, however, the Commission shall not interfere in the proper conduct of any investigation by federal, state or city law enforcement officers.

Sec. 35-46. - Staff, support services.

The mayor's office shall coordinate the city government's efforts to provide all necessary information, staff and support services necessary to the proper conduct of the Ceivil Rights Commission's activities.

SECTION 2. This Substitute Ordinance shall become effective upon passage by City Council and approval by the Mayor.

First Reading December 5, 2013
Second Reading December 5, 2013
Third Reading Feb. 20, 2014

Passed by City Council,
February 20, 2014



President of City Council

ATTEST:



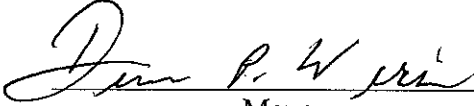
City Clerk

Approved as to form this 15th
day of January, 2014



City Solicitor

Approved this 28 day of Feb., 2014



Mayor

SYNOPSIS: In an effort to further the City's principles of equality and fair treatment for all, this legislation amends Chapter 35 of the City Code relating to the Civil Rights Commission by streamlining the Civil Rights Commission, with the hopes and desire of breathing new life and vigor into the Civil Rights Commission, much like during its hay days of the Civil Rights Movement.